

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1839 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RENUBALA S. DAS

Versus

THE DIRECTOR, INDIAN STANDARDS INSTITUTION

Appearance:

1. Special Civil Application No. 1839 of 1987
MRS ATULA P BHATT for Petitioner
MR JS JADAV for Respondent No. 1, 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 12/06/2000

ORAL JUDGEMENT

By order dated 7th October, 1984, the petitioner was appointed as a Junior Stenographer in the Indian Standards Institution, the respondent no. 1 herein [hereinafter referred to as, 'the ISI'] on daily wages.

It is the claim of the petitioner that petitioner had since been serving as a Junior Stenographer continuously. However, in the month of February, 1987, the petitioner's application for leave was not granted. Nonetheless, the petitioner proceeded on leave and since her return from leave in the month of March, 1987, she was not allowed to join the duty. On 16th April, 1987, the petitioner's service was terminated for no reason whatsoever. The petitioner has, therefore, prayed that petitioner's service be treated as continuous and permanent and she be paid the salary of a permanent Junior Stenographer.

2. The petition is contested. The counter affidavit has been made by one Shri C.V Chandorkar, Director in the Bureau of Indian Standards [former ISI]. It is contended that petitioner was appointed on daily wages by way of stop gap arrangement as and when required. She was given test for regular appointment during her service on daily wages. She was given test for regular appointment on three occasions ie., on 14th July, 1984, 15th December, 1984 and 29th March, 1986. However, she failed to qualify for regular appointment to the post of Junior Stenographer. It is contended that the petitioner's service was terminated as the same was not required. It is denied that the impugned order is either arbitrary or discriminatory.

3. Evidentially, the petitioner was not appointed as a Junior Stenographer after due selection, the question of regularization in service, therefore, should not arise. This Court and the Hon'ble Supreme Court has also time and again negatived the claim for regularization made by the persons not regularly selected. Reference can be had to the judgment of this Court in the matter of Mohandas S. Sisodia v. State of Gujarat & Ors., [1993 (2) GLH (UJ) 21] and of the Hon'ble Supreme Court in the matter of R. Ravindran & Ors. v. Union Territory of Pondicherry & Ors., [(1997) 1 SCC 350]. Similarly, in the matter of State of Haryana v. Surinder Kumar & Ors., [AIR 1997 SC 2129], the Hon'ble Supreme Court has rejected the claim for regular salary made by the daily wage clerks. In that view of the matter, the petitioner's claim for regular salary, while serving as a daily wager by stop-gap arrangement, also is not sustainable.

4. The petitioner having not been regularly selected in accordance with law, her claim for regular appointment or continuance in service is not tenable. The petition is, therefore, dismissed. Rule is discharged. Ad-interim relief is vacated.

Prakash*